

**73-3-5.5 Temporary applications to appropriate water -- Approval by engineer -- Expiration -- Proof of appropriation not required.**

- (1) The state engineer may issue temporary applications to appropriate water for beneficial purposes.
- (2) The provisions of this chapter governing regular applications to appropriate water shall apply to temporary applications with the following exceptions:
  - (a)
    - (i) The state engineer shall undertake a thorough investigation of the proposed appropriation, and if the temporary application complies with the provisions of Section 73-3-8, may make an order approving the application.
    - (ii) If the state engineer finds that the appropriation sought might impair other rights, before approving the application, the state engineer shall give notice of the application to all persons whose rights may be affected by the temporary appropriations.
  - (b) The state engineer may issue a temporary application for a period of time not exceeding one year.
  - (c)
    - (i) The state engineer, in the approval of a temporary application, may make approval subject to whatever conditions and provisions he considers necessary to fully protect prior existing rights.
    - (ii) If the state engineer determines that it is necessary to have a water commissioner distribute the water under a temporary application for the protection of other vested rights, the state engineer may assess the distribution costs against the holder of the temporary application.
  - (d)
    - (i) A temporary application does not vest in its holder a permanent vested right to the use of water.
    - (ii) A temporary application automatically expires and is cancelled according to its terms.
  - (e) Proof of appropriation otherwise required under this chapter is not required for temporary applications.

Amended by Chapter 161, 1987 General Session